

REMARKS/ARGUMENTS

The application has been carefully reviewed in light of the Office Action and amended as necessary to more clearly and particularly describe the subject matter that Applicant regards as the invention.

Claims 1-4 were rejected under 35 U.S.C. 112 as being indefinite. The objectionable language of claim 1 has been modified to clarify the claims.

Claims 1, 2 & 4 were rejected under 35 U.S.C. 103(a) as being unpatentable over Scott in view of MacKinnon Jr. et al. the examiner states that Scott discloses a central stud member (20) having opposed faces and a recess in each face, outer stud members (20) and rigid sheet of covering (acoustic support member) fixed to one or each side of the frame. However, claim 1 calls for the acoustic member to be mounted on the recessed face of the central stud, not the side as shown by Scott and asserted by the examiner.

The examiner then states that it would be obvious to substitute the acoustic support member (12) of MacKinnon Jr. et al. The acoustic support member (12) is a type of barbed clip that wraps into channels of adjacent metal studs to support insulation batting.

To make it clear that the acoustic member in applicant's claims is not an insulation supporting member, applicant has amended claim 1 to merely call for an acoustic member. To further distinguish over the member (12) of MacKinnon, claim 1 now states that the acoustic member substantially fills the recess in the central stud.

Regarding claim 2, neither Scott nor MacKinnon Jr. et al. disclose an acoustic member seated in and substantially filling a recess in the central stud member.

Regarding claim 4, the claim is dependent on claim 1 and is allowable for the reasons stated above. Further applicant believes that one skilled in the art would not find it obvious to replace a wall stud with a shear bond producing stud found in a concrete arch structure.

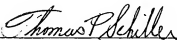
Applicant confirms the telephonic interview with the examiner on 15 November 2007. During that interview, applicant requested that the application be examined based on the claims submitted with the 371 application dated January 5, 2005.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, Our Order No. PMAX-37319

Appl. No.: 10/520,335
Amdt. Dated: May 19, 2008
Reply to Office action of: January 22, 2008

Respectfully submitted

PEARNE & GORDON, LLP

A handwritten signature in cursive script, reading "Thomas P. Schiller", is written over a horizontal line.

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